

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO
and KARL LEIBINGER, on behalf of themselves
and those similarly situated,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware
Corporation, STONINGTON CAPITAL
APPRECIATION 1994 FUND L.P., a Delaware
Partnership and STONINGTON HOLDINGS, L.L.C., a
Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC
and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM
(formerly known as ARTESIA BANKING CORP., SA),
Defendants.

No.: 04-CV-10501 (PBS)

**PLAINTIFFS' UNOPPOSED MOTION
FOR LEAVE TO FILE UNDER SEAL OPPOSITION TO DEXIA BANK
BELGIUM'S MOTION FOR A PROTECTIVE ORDER PREVENTING
DEPOSITIONS OF AXEL MILLER AND STEFAAN DECRAENE**

Class plaintiffs together with plaintiffs Stonington Partners, Inc., Stonington Capital Appreciation 1994 Fund L.P. and Stonington Holdings, L.L.C., Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust, and Janet Baker, James Baker, JKBaker LLC and JMBaker LLC (collectively the “Plaintiffs”) hereby move, pursuant to Massachusetts Local Rule 7.2, for orders authorizing the filing under seal, in each of the above-captioned actions, of (1) Plaintiffs’ Memorandum of Law in Opposition to Dexia Bank Belgium’s Motion for a Protective Order Preventing Depositions of Axel Miller and Stefaan Decraene dated June 15, 2006 (the “Memorandum in Opposition”); and (2) Declaration of Susan M. Davies in Support of Plaintiffs’ Opposition to Dexia Bank Belgium’s Motion for a Protective Order Preventing Depositions of Axel Miller and Stefaan Decraene executed on June 15, 2006, together with the exhibits thereto (the “Davies Declaration”).

In support of this unopposed motion, Plaintiffs state as follows.

1. On May 31, 2005, the Court entered an Order Governing the Treatment of Confidential Information in each of the above-captioned actions (the “Confidentiality Order”). A true and correct copy of the Confidentiality Order is annexed as **Exhibit A** to the accompanying Declaration of Patrick T. Egan executed June 15, 2006. Under the terms of the Confidentiality Order, memoranda and declarations containing or disclosing discovery materials that the producing party has designated as “Confidential Information” must be filed with the Court under seal. *See* Egan Dec. **Ex. A** at ¶10.

2. On June 15, 2006, Plaintiffs served copies of the Memorandum in Opposition and Davies Declaration by hand upon counsel for defendant Dexia Bank

Belgium, Jeff E. Butler, Esq. of Clifford Chance US LLP, New York, New York. *See* Egan Dec. at ¶ 4.

3. The Memorandum in Opposition and Davies Declaration have not been filed with the Court because they contain evidence obtained in discovery which Dexia Bank Belgium has designated confidential under the terms of the Confidentiality Order. *Id.* at ¶ 5.

**Certification Under Fed. R. Civ. P. 37(a)(2)(b),
and Local Rules 7.1(a)(2) and 37.1(b)**

5. Pursuant to Local Rules 7.1(a)(2), undersigned counsel hereby certify that counsel for Dexia does not oppose the instant motion seeking to file papers in support of the Motion to Compel under seal.

WHEREFORE, Plaintiffs respectfully request that this Court enter orders:

- (A) relieving Plaintiffs of the obligation under Local Rule 7.1(b)(1) to file a memorandum of law in support of the instant motion simultaneously herewith;
- (B) authorizing the filing under seal, in each of the above-captioned actions, of
 - (1) Plaintiffs' Memorandum of Law in Opposition to Dexia Bank Belgium's Motion for a Protective Order Preventing Depositions of Axel Miller and Stefaan Decraene dated June 15, 2006; and (2) Declaration of Susan M. Davies in Support of Plaintiffs' Opposition to Dexia Bank Belgium's Motion for a Protective Order Preventing Depositions of Axel Miller and Stefaan Decraene executed on June 15, 2006, together with the exhibits thereto; and
- (B) for such other and further relief as the Court deems just and proper.

Dated: June 15, 2006

Respectfully submitted,

BERMAN DEVALERIO PEASE
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CERTIFICATE OF SERVICE

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ Patrick T. Egan
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